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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,297	02/26/2004	John Hove	HOVE9A	1968
1444	7590	06/28/2005	EXAMINER	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW SUITE 300 WASHINGTON, DC 20001-5303			KENNEDY, JOSHUA T	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/786,297	HOVE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joshua T. Kennedy	3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 2/26/2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

Claims 1-20 have been examined.

### ***Claim Objections***

In claim 10, line 5, “second connector is fitted within the recess in the first connector” should be “-- first-- connector is fitted within the recess in the --second-- connector.”

Further, claim 10, lines 8-9, “second connector is fitted within the recess in the first connector” should be “--first-- connector is fitted within the recess in the --second-- connector.” Appropriate correction is required.

In claim 17, line3, “of a first top corner casting;” should be “of --the-- first top corner casting;” Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 6, and 14 recite, “ISO containers”; however, standards are subject to change and therefore are indefinite. Further, the examiner is unable to determine the

full limitations of the standard, because the limitations of the standard are not defined in the claims.

Claim 12 recites the limitation "the engaged side opening" in the last 3 lines of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 13 recites the limitation "the engaged side opening" in line 2 of the 2<sup>nd</sup> paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the engaged side opening" in lines 1-2 of the last paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 18 recites the limitation "the engaged side opening" in line 3 of the first paragraph of the claim. Further, Claim 18 recites the limitation "the through-holes" in lines 5-6 of the last paragraph of the claim. Yet further, Claim 18 recites the limitation "the pin" in line 5 of the last paragraph of the claim. There is insufficient antecedent basis for these limitations in the claim.

Claim 20 recites the limitation "the first pin means" in the last paragraph of the claim. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 4-7, 14, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Coles (U.S. Patent No. 6,675,546).

Referring to Claim 1. Coles discloses an interconnector device capable of coupling together top corner castings of adjacent longitudinally ISO containers comprising:

a first connection part having a first body portion (32);

a first flange extending out from the first body portion (12);

a projection extending out from the first body portion and away from the first flange (28);

a second connection part having a second body portion (42);

a second flange extending out from the second body portion (40), the second flange having recess corresponding to the projection extending out from the first body portion (38); and

wherein adjacent longitudinally aligned ISO containers are capable of being coupled together by respectively engaging the first body portion and the second body

portion in a corresponding top corner casting of the top corner castings and engaging the projection of the first body portion in the recess of the second body portion (Fig 2).

Referring to Claim 2. Coles discloses the first body portion (32) and the second body portion (42) each having a cross-sectional area capable of corresponding to that of side openings on the top corner castings.

Referring to Claim 4. Coles discloses the first flange and the second flange each having a cross-sectional area larger than that of side openings in the top corner castings (Fig 1).

Referring to Claim 5. Coles discloses the first flange and the second flange respectively extending around the first body portion and the second body portion (12 and 40).

Referring to Claim 6. Coles discloses a pin (18) that is engaged in an aligned through hole through the projection (26) and the second flange (36).

Referring to Claim 7. Coles discloses a lynch pin (20) provided to extend through the pin to secure engagement of the pin in the aligned through hole.

Referring to Claim 14. Coles discloses an interconnector adapted to couple together two ISO containers having at least two top corner castings comprising:

a first connector means for engaging a side opening of a first top corner casting (32);

a second connector means adapted to fit within recess formed in the first connector means and engage a side opening of a second top corner casting opposite the first top corner casting (42).

Referring to Claim 19. Coles discloses a pin (18) that can be inserted through through-holes in the first (26) and second connectors (36) after the second connector is engaged within the recess in the first connector (Fig 2).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 9-10, 12-13, and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coles (U.S. Patent No. 6,675,546) in view of Whitt Jr. (U.S. Patent No. 6,237,976).

Referring to Claim 3. Coles discloses the claimed invention except for the first body portion and the second body portion each having a hook portion adapted to pass through side openings of the top corner castings and engage at an inside wall of the top corner castings.

Art Unit: 3679

Whitt Jr. teaches a hook assembly (Fig 6) adaptable to interact with the interconnector of Coles and to fit through the engaged side opening of the top corner casting of an ISO container and engage an inside wall thereof, to extend "the reach of existing hook arms of vehicles used to insert and withdraw shipping assemblies from transportation containers, such as ISO containers typically used for transporting military equipment (Col 3, Lines 1-4)". It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a hook assembly adaptable to interact with the interconnector of Coles and to fit through the engaged side opening of the top corner casting of an ISO container and engage an inside wall thereof, to extend the reach of existing hook arms of vehicles used to insert and withdraw shipping assemblies from transportation containers, such as ISO containers typically used for transporting military equipment, as taught by Whitt Jr.

Referring to Claim 9. Coles in view of Whitt Jr. disclose an interconnector substantially adapted to couple together two ISO containers comprising:

- a substantially L-shaped first connector;
- a substantially L-shaped second connector which fits within a recess formed in the first connector);
- wherein the first connector comprises:
- a first body portion (32);
- a first flange extending from one end of the first body portion and around the first body portion (12);

a projection extending out from the first body portion beyond the first flange (24);  
and

first hook portion extending out from the first body portion.

wherein the second connector comprises:

a second body portion (42);

a second flange extending from and around one end of the second body portion  
and forming a recess (40 and 38); and

a second hook extending out from the second body.

Referring to Claim 10. Coles discloses the first and second connectors have through-holes (26 and 36) defined therein which are aligned with one another when the second connector is fitted within the recess in the first connector; and  
a pin (18) is inserted into the through-holes in the first and second connectors when the second connector is fitted within the recess in the first connector for securing the first and second connectors to one another.

Referring to Claim 12. Coles in view of Whitt Jr. disclose the first body portion has a cross-section capable of corresponding to a side opening of a first top corner casting (32);

the first flange has a cross-section which is larger than the side opening of the first top corner casting (30); and

the first hook portion is adapted to fit through the engaged side opening of the first top corner casting and engage an inside wall thereof.

Referring to Claim 13. Coles in view of Whitt Jr. disclose the second body portion has a cross-section capable of corresponding a side opening second top corner casting opposite the first top corner casting (42);

the second flange has a cross-section which is larger than the engaged side opening in the second top corner casting and equal to that of the first flange (Fig 1),

the second hook is adapted to through the engaged side opening in the second top corner casting and engage an inside wall thereof; and

the interconnector adapted to couple two containers by respectively inserting the first hook and the second hook through the corresponding side opening in the corresponding top corner casting and inserting the projection into the recess (Fig 2).

Referring to Claim 15. Coles in view of Whitt Jr. disclose the first connector means comprises:

a first body portion (32);

a first flange extending from one end of the first body portion and around the first body portion (30);

a projection extending out from the first body portion beyond the first flange (28);

and

a first hook portion extending out from the first body portion.

Referring to Claim 16. Coles in view of Whitt Jr. disclose the second connector means comprises:

a second body portion (42);

a second flange extending from and around one end of the second body portion and forming a recess (38), the second flange having a cross-section which is equal to that of the first flange (Fig 2); and

a second hook extending out from the second body portion.

Referring to Claim 17. Coles in view of Whitt Jr. disclose the first body portion has a cross-section corresponding to a side opening of a first top corner casting (32); the first flange has a cross-section which is larger than the side opening the first top corner casting (Fig 1); and

the first hook portion is adapted to fit through the engaged side opening of the first top corner casting and engage an inside wall thereof.

Referring to Claim 18. Coles in view of Whitt Jr. disclose the second body portion has a cross-section corresponding to the engaged side opening in a second top corner casting opposite the first top corner casting (42);

the second flange has cross-section which larger than the side opening in the second top corner casting and equal to that of the first flange (Fig 1);

the second hook is adapted to fit through the engaged side opening in the second top corner casting and engage an inside wall thereof; and

the interconnector is adapted to couple two containers by respectively inserting the first hook and the second hook through the corresponding side opening in the corresponding top corner casting and inserting the projection into the recess so that the pin can be inserted through the through-holes in the first and second connectors after being aligned to fix the interconnector in the first and second top corner.

Claims 8, 11, and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Coles in view of Whitt Jr., further in view of Bermes (U.S. Patent 6,241,204).

Referring to Claim 8. Coles in view of Whitt Jr. discloses the claimed invention except for where the linch pin and the pin are chained to the second flange.

Bermes teaches a pin assembly (Fig 12A and 12B) having a chain to link the pin assembly to the body, "to negate the possibility of the user accidentally dropping the pin while working... This chain is long enough to allow the pin to be easily inserted..." (Col 10, Lines 36-43). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the pin assembly, as disclosed by Coles, with the chain from pin assembly to the body structure as taught by Bermes to negate the possibility of the user accidentally dropping the pin while working and this chain being long enough to allow the pin to be easily inserted.

Referring to Claim 11. Coles in view of Bermes disclose an interconnector, further comprising:

a linch pin (20) adapted to be inserted in a hole formed bottom portion of the pin;  
and

at least one chain connected between the pin, the second flange and the linch pin.

Referring to Claim 20. Coles in view of Whitt Jr., in further view of Bermes disclose:

second pin means (20) for securing the position of the first pin means with respect to the first and second connector means; and

at least one chain connected between the second pin means, the second connector means and the second pin means.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S Patent No. 2,661,228 to Wilson cited to show a similar interconnector with a first body inserted in a recess of a second body and fastened by a pin inserted into through holes of the first and second bodies.

U.S Patent No. 3,908,477 to Teske cited to show a similar interconnector with a first body inserted in a recess of a second body and fastened by a pin inserted into through holes of the first and second bodies, which was kept in place by a lynch pin.

U.S Patent No. 3,599,824 to Pneuman cited to show a similar interconnector with a first body connected to a second body and fastened by a pin inserted into through holes of the first and second bodies having hooks to connect to top corner castings of ISO containers.

U.S Patent No. 6,725,507 to Reynard cited to show a similar interconnector having hooks to connect to top corner castings of ISO containers.

U.S Patent No. 5,927,916 to Kroll cited to show a similar interconnector having hooks to connect to top corner castings of ISO containers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua T. Kennedy whose telephone number is (571) 272-8297. The examiner can normally be reached on M-F: 7am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTK  
6/14/05

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